IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1010 OF 2005

IN

EXECUTION APPLICATION NO.183 OF 2004

IN

SUMMARY SUIT NO.1510 OF 2002

M/s.G.M.Breweries Ltd. ...Plaintiffs

Versus

M/s.Siddhivinayak Builders & Anr. ...Defendants

And

Shakuntala Baban Gagare ...Intervenor/Obstruc./Respondent

.....

Ms.Sumedha Rao for Applicant/Intervenor.

Mr.O.A.Das for Plaintiffs.

Mr.G.T.Mestha, Commissioner for Taking Accounts is present.

.....

CORAM: A.M.KHANWILKAR, J.

SEPTEMBER 20, 2005.

P.C.

1. Heard Counsel for the parties.

2. Counsel for the Judgment Creditors fairly accepts that the documents on record would clearly establish the fact that the Applicant has purchased flat No.A-102 for consideration under registered Agreement for Sale dated 29th November 1996 and has also been put in possession of the said flat before warrant of attachment came to be passed on 7th July 2004.

3. In the circumstances, learned Counsel for the Judgment Creditors entirely agrees that the attachment in respect of the said flat be raised, retaining attachment order with regard to the remaining building.

4. Accordingly, Chamber Summons succeeds by raising attachment in respect of Flat No.A-102 of Venus Building.

A.M.KHANWILKAR, J.